

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20480

July 8, 1994

Mr. Satoru Morishita  
Deputy Director  
Office of Marine Pollution Control & Waste Management  
Environmental Agency  
Kasumigaseki 1-2-2  
Chiyoda-ku, Tokyo, Japan

Dear Mr. Morishita:

In your letter to Karen Mime of May 31, 1994 you requested advice on the status under the OECD decision C(92)39/ Final regarding the export from Japan to the United States of bubblers containing phosphorus oxychloride used in the production of semiconductors. In your letter, you state that Schumacher of Carlsbad, CA provides these bubblers to a private company in Japan for producing semiconductors. After these materials are depleted, they are returned from Japan to Schumacher and are regenerated by distilling any phosphorus oxychloride remaining in the canister and adding new phosphorus oxychloride to the bubbler canister.

Based on the information provided, the bubblers should be managed under the Amber tier and best meets the definition of AD080, wastes of an explosive nature when not subject to specific other legislation. It is our understanding that the phosphorous oxychloride reacts violently with water during its use and has the potential to cause an explosion. It is also our understanding that the compound is highly corrosive and can cause skin burns. We understand that any remaining compound in the bubbler exhibits the same properties.

Under the U.S. hazardous waste law, the Resource Conservation and Recovery Act (RCRA), these bubblers are not specifically listed as a hazardous waste. However, the bubblers could be a hazardous waste if it exhibits a characteristic for reactivity and or corrosivity. Under RCRA, it is the responsibility of the generator to determine whether or not a material is or is not a solid and hazardous waste. For purposes of importing hazardous waste into the United States, the generator is considered to be "any person... whose act first causes a hazardous waste to become subject to regulation." 40 CFR §260.10. The person assuming these generator duties would most likely be the U.S. importer (consignee under OECD) which could be a waste broker, a transporter, or the treatment, storage or disposal facility where the waste is to be shipped.

I hope this has answered your question. If you have any further questions, please contact either Paul Borst (202) 260-6713 or Denise Wright at (202) 260-3519 or my staff if you would like to discuss this matter.

Sincerely,

David Bussard, Director  
Characterization and Assessment  
Division  
Office of Solid Waste

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